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Attorney for Defendant DAMIEN TORRES

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA,)	Case No. 1:22-CR-00250-JLT-SKO
)	
Plaintiff,)	STIPULATION TO EXCLUDE TIME &
vs.)	CONTINUE STATUS CONFERENCE
)	HEARING; ORDER
DAMIEN TORRES,)	
)	Date: August 30, 2023
Defendant.)	Time: 1:00 p.m.
)	Court: Hon. Sheila K. Oberto

This matter is set for a status conference hearing on August 30, 2023. As set forth below, the parties now move, by stipulation, to continue the status conference hearing to October 18, 2023.

STIPULATION

Defense Counsel, Serita Rios, and Assistant United States Attorney, Laurel Montoya, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference hearing on August 30, 2023.

STIPULATION TO EXCLUDE TIME & CONTINUE STATUS CONFERENCE HEARING

1 2. Through this stipulation, defendant moves to continue the status
2 conference hearing until October 18, 2023, and to exclude time between August 30,
3 2023, and October 18, 2023.

4 3. The parties agree and stipulate, and request that the Court find the
5 following:
6

7 a. Counsel for defendant desires additional time to obtain and
8 review discovery, consult with defendant, conduct investigation and to discuss
9 potential resolution with the government.

10 b. Counsel for defendant believes that failure to grant the above-
11 requested continuance would deny them the reasonable time necessary for effective
12 preparation, taking into account the exercise of due diligence.

13 c. The government just recently received results of DNA testing and
14 does not object to the continuance.
15

16 d. Based on the above-stated findings, the ends of justice served by
17 continuing the case as requested outweigh the interest of the public and the
18 defendant in a trial within the original date prescribed by the Speedy Trial Act.

19 e. For the purpose of computing time under the Speedy Trial Act, 18
20 U.S.C. §3161, et seq., within which trial must commence, the time period of August
21 30, 2023 to October 18, 2023, inclusive, is deemed excludable pursuant to 18
22 U.S.C. §3161(h)(7)(A) because it results from a continuance granted by the Court at
23 defendant's request on the basis of the Court's finding that the ends of justice served
24 by taking such action outweigh the best interest of the public and the defendant in a
25 speedy trial.
26
27
28

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: August 23, 2023

/s/ Serita Rios

Serita Rios
Attorney for Defendant

Dated: August 23, 2023

/s/ Laurel Montoya

Laurel Montoya
Assistant U.S. Attorney

ORDER

The parties shall be prepared to select a mutually agreeable trial date at the next status conference.

IT IS SO ORDERED.

DATED: 8/25/2023

Sheila K. Oberto

THE HONORABLE SHEILA K. OBERTO
UNITED STATES DISTRICT JUDGE

STIPULATION TO EXCLUDE TIME & CONTINUE STATUS CONFERENCE HEARING